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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/500,094

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EXAMINER

HAVAN, THU THAO

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

05/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/500,094

Applicant(s)

LEATHERMAN ET AL.

Examiner

Thu Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-35 and 49-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-35 and 49-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claims 29-35 and 49-58 are pending. This action is in response to the remarks received December 20, 2006.

Response to Arguments

The rejection of claims 29-35 and 49-58 under 35 U.S.C. 103(a) as being unpatentable by Smith (US 5,717,374) and Nahi (US 6,166,734) is maintained.

Upon a closer examination, Applicant's arguments filed December 20, 2006 have been fully considered but they are not persuasive.

In response to the arguments concerning the previously rejected claims the following comments are made:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an interactive graphical user interface capable of varied graphics at a fixed-location fuel dispenser without being operated in conjunction with a separate base computer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant alleges that the prior art made of record fails to teach a web browser thin client. The examiner disagrees with applicant's representative since Nahi teaches a web browser thin client (col. 16, lines 12-42; col. 17, lines 7-32; col. 20, lines 8-19; col. 21,

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lines 1-24; col. 11, lines 16-29; col. 13, lines 5-28). Nahi discloses accessing remote network connected computer systems. He discloses interest in this kind of network computer (NC), also variously referred to as a thin client, has been most recently driven by the substantial growth of Internet accessible resources including, in particular, the World Wide Web (WWW, W3 or the "Web"). The existing descriptions for the NC, only a few of which have appeared in prototype form, describe a so-called set-top box that is connected to a home television type monitor. A thin client is a network computer without a hard disk drive, which, in client/server applications, is designed to be especially small so that the bulk of the data processing occurs on the server. Therefore, Nahi discloses a thin client when he discloses network computer.

In addition, Applicant alleges that the prior art made of record fails to teach a markup language. The examiner disagrees with applicant's representative since Smith teaches a markup language (col. 11, line 31 to col. 12, line 29). Smith discloses markup language is a way of depicting the logical structure or semantics of a document and providing instructions to computers on how to handle or display the contents of the file. HTML, XML and RDF are markup languages. Markup indicators are often called tags. Smith discloses markup language when he discloses message input and output capabilities for applications in relation to refueling or recharging operation.

With regards to the claims rejected as taught by Smith and Nahi, the examiner would like to point out that the reference teaches the claimed limitations and thus provides adequate support for the claimed limitations. Therefore, the examiner maintains that Smith and Nahi taught the claimed limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **29-35** and **49-58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,717,374) in view of Nahi et al. (US 6,166,734).

Re claims **29**, **49**, and **58**, Smith teaches a method of providing an interactive fueling operation (fig. 1a) comprising:

...a fueling position on a fuel dispenser (fig. 2a, element 30);

displaying information to a customer... in response to receipt of a markup language from a server spaced from the fuel dispenser, by delivery over a network (col. 11, line 31 to col. 12, line 29);

prompting the customer to select a service with the displayed information (col. 9, line 33 to col. 10, line 55);

receiving a response from the customer identifying a selected service to be provided by the server (fig. 2b); in other words, in figure 2a the customer selects the service by entering the fueling information thus a response is received from the customer);

transferring the response from the dispenser to the server over the network (fig. 9);
and

transmitting a service from the server over the network to the fueling position based on the customer response at the fueling position (fig. 9; in other words, Smith discloses inputting messages such as advertisements, weather reports, road conditions, traffic conditions, etc. over the network in a display in related to fueling station.).

However, Smith does not explicitly teach executing a web browser as a thin client on said interactive graphical user interface. Nevertheless, Smith discloses network with a memory in relation to personal, mini, or mainframe computer that is located at a great distance from the local station (col. 12, lines 1-12). Both Smith and Nahi teach network system communicating information thru a remote location. On the other hand, Nahi specially teaches the step of executing a web browser as a thin client on said interactive graphical user interface when he discloses a web browser including a thin client in relation to application using graphical user interface to operate a number of portable display tablets (col. 16, lines 12-42; col. 17, lines 7-32; col. 20, lines 8-19; col. 21, lines 1-24; col. 11, lines 16-29; col. 13, lines 5-28). Nahi discloses a Web browser application including the graphical user interface (GUI) module where the application is a browser, a browser image cache is supported to hold decompressed image data that can be repeatedly referenced on repeated application access requests for the corresponding compressed data object.

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Therefore, whenever the application and GUI code module directs the transfer of an untagged data object, a tagged compressed data object can be quickly formed from the data provided by the application and GUI code module and forwarded through the wireless transceiver subsystem. Thus, it would have been obvious to one of ordinary skill in the art to execute a web browser as a thin client on interactive graphical user interface in relation to operating an application such as in a gas pump application.

Re claims **30**, **50**, and **56-57**, Smith teaches delivery transfer and transmission are over the Internet (fig. 9, element 52a). In figure 9a, element illustrates a communication network. An Internet with a web browser is a type of communication network.

Re claims **31** and **51**, Smith teaches information displayed is advertising information (col. 9, lines 38-40).

Re claims **32** and **52**, Smith teaches information displayed is one of the group consisting of news, weather, sports, traffic updates and maps (col. 10, lines 19-55).

Re claims **33** and **53**, Smith teaches information displayed is merchandising information providing the customer an opportunity to select from one or more items displayed (col. 10, line 56 to col. 11, line 3).

Re claims **34** and **54**, Smith teaches information displayed is live video information of a person communicating with the customer to provide a video intercom (col. 6, lines 50 to col. 7, line 10). In other words, Smith discloses a video monitor corresponding to a video intercom as claimed.

Re claims **35** and **55**, Nahi teaches using hypertext markup language and hypertext transfer protocol to carryout the steps of displaying, prompting, receiving, transferring and

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providing (col. 20, lines 19-44). Nahi discloses a user directed hypertext oriented interactive content is provided at a web site supporting an interactive content page.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flexitime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH
4/18/2007

A handwritten signature in black ink, appearing to read 'Alexander Kalinowski', with a large, stylized flourish at the end.

ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER